

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Francis Raymond Edwards,

Case No.: 2:20-cv-02318-JAD-EJY

Plaintiff

THE INFLUENCE OF CULTURE ON PARENTING

Order Dismissing and Closing Case

Defendants

Plaintiff Francis Raymond Edwards brings this civil-rights case under § 1983 for events
that occurred during his incarceration at Northern Nevada Correctional Center, Lovelock
Correctional Center, and High Desert State Prison.¹ On June 30, 2021, I ordered Edwards to file
an updated address and a non-prisoner application to proceed *in forma pauperis*, as well as a
first-amended complaint, by September 1, 2021.² I expressly warned him that his failure to
comply with the order would result in the dismissal of this case without prejudice.³ The
deadline has passed, and Edwards has not filed his updated address, a non-prisoner application to
proceed *in forma pauperis*, or a first-amended complaint.

District courts have the inherent power to control their dockets and “[i]n the exercise of that power, they may impose sanctions including, where appropriate . . . dismissal” of a case.⁴ A court may dismiss an action with prejudice based on a party’s failure to prosecute an action, failure to obey a court order, or failure to comply with local rules.⁵ In determining whether to

¹ ECF No. 1 (complaint).

² ECF No. 5 (order).

3 *Id*

⁴ *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986).

⁵ See *Ghazali v. Moran*, 46 F.3d 52, 53–54 (9th Cir. 1995) (dismissal for noncompliance with local rule); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260–61 (9th Cir. 1992) (dismissal for failure to

1 dismiss an action for lack of prosecution, failure to obey a court order, or failure to comply with
 2 local rules, the court must consider several factors: (1) the public's interest in expeditious
 3 resolution of litigation; (2) the court's need to manage its docket; (3) the risk of prejudice to the
 4 defendants; (4) the public policy favoring disposition of cases on their merits; and (5) the
 5 availability of less drastic alternatives.⁶

6 I find that the first two factors—the public's interest in expeditiously resolving the
 7 litigation and the court's interest in managing the docket—weigh in favor of dismissing this case.
 8 The risk-of-prejudice factor also weighs in favor of dismissal because a presumption of injury
 9 arises from the occurrence of unreasonable delay in filing a pleading ordered by the court or
 10 prosecuting an action.⁷ The fourth factor is greatly outweighed by the factors in favor of
 11 dismissal, and a court's warning to a party that his failure to obey the court's order will result in
 12 dismissal satisfies the consideration-of-alternatives requirement.⁸ Edwards was warned that his
 13 case would be dismissed without prejudice if he failed to file his updated address, a non-prisoner
 14 application to proceed *in forma pauperis*, and a first-amended complaint by September 1, 2021.⁹
 15 So, Edwards had adequate warning that his failure to file his updated address, a non-prisoner
 16 application to proceed *in forma pauperis*, and a first-amended complaint by the deadline would
 17 result in this case's dismissal.

18 Accordingly, IT IS HEREBY ORDERED that **this action is DISMISSED** without
 19 prejudice based on Edwards's failure to file his updated address, a non-prisoner application to

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 21 comply with an order requiring amendment of complaint); *Carey v. King*, 856 F.2d 1439, 1440–
 22 41 (9th Cir. 1988) (dismissal for failure to comply with local rule requiring pro se plaintiffs to
 23 keep court apprised of address); *Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir.
 24 1987) (dismissal for failure to comply with court order); *Henderson v. Duncan*, 779 F.2d 1421,
 1424 (9th Cir. 1986) (dismissal for lack of prosecution and failure to comply with local rules).

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 26⁶ *Thompson*, 782 F.2d at 831; *Henderson*, 779 F.2d at 1423–24; *Malone*, 833 F.2d at 130;
 27 *Ferdik*, 963 F.2d at 1260–61; *Ghazali*, 46 F.3d at 53.

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 29⁷ See *Anderson v. Air West*, 542 F.2d 522, 524 (9th Cir. 1976).

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 31⁸ *Ferdik*, 963 F.2d at 1262; *Malone*, 833 F.2d at 132–33; *Henderson*, 779 F.2d at 1424.

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 33⁹ ECF No. 5 (order).

1 proceed *in forma pauperis*, and a first-amended complaint in compliance with this court's June
2 30, 2021, order; and

3 The Clerk of Court is directed to ENTER JUDGMENT accordingly and CLOSE THIS
4 CASE.

5 
U.S. District Judge Jennifer A. Dorsey
6 Dated: September 14, 2021